



U.S. Department of Justice

Antitrust Division

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*New York Office*

26 Federal Plaza

212/335-8000

Room 3630

New York, New York 10278-0004

FAX 212/335-8023

August 1, 2014

HAND DELIVERY

The Honorable Kimba M. Wood  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *United States v. Wolmark and Zarefsky*, S 09 Cr. 1058 (KMW)  
*United States v. Matthew Rothman*, 10 Cr. 200 (KMW)

Dear Judge Wood:

The Government respectfully submits this letter to supplement its July 21, 2014 letter addressing the issue whether any of the above Defendants should now be adjudged liable to pay restitution to victims of their crimes.

As we noted in our July 21 letter, according to the docket entry, David Rubin made a payment of restitution of \$571,529.97 on June 10, 2014 to be paid to 20 specified victims. We recently spoke to the Financial Deputy for the Southern District of New York Finance Office, who is responsible for handling payment disbursements for defendants who are jointly and severally liable. He said that none of the money Rubin recently paid was distributed to any of the 20 victims to whom Rubin was ordered to pay restitution because the Finance Office is waiting for the restitution order for co-defendant Defendant Zarefsky to see if he is jointly and severally liable with Rubin. Although the Financial Deputy did not mention co-defendant Wolmark, the same is arguably true for him. It is also arguably true for Defendant Rothman.

The Government also wishes to inform the Court of the provisions in the Judgments entered for co-conspirators Douglas Goldberg and Dani Naeh, who were both CDR employees and were sentenced by Judge Baer on May 8, 2014. Judge Baer did not order them liable to pay restitution at the time but, rather, stayed any decision on the issue until February 2, 2015. However, in the Judgments, he noted that each of them might be jointly and severally liable with Rubin, Wolmark, Zarefsky and Rothman, and each other. Copies of the Goldberg and Naeh Judgments are attached as Exhibits A and B.

At this point, the Government reiterates the request that is set forth in its July 21 letter, namely, that each Defendant be ordered liable to pay restitution at this time, and

that the payment schedule be as follows: (1) the current amount to be paid is zero; and (2) if there is a material change in the Defendant's or Rubin's economic circumstances, the payment schedules may be adjusted according. Specifically, Defendant Wolmark is liable to twenty victims for a total of \$1,143,059.9; Defendant Zarefsky is liable for restitution totaling \$1,123,750.59 to eighteen victims; and Defendant Rothman is liable for restitution totaling \$893,964.03 to ten victims. A schedule detailing the amounts owed to each victim by each of the three defendants is attached as Exhibit C.

Should the Court have any questions concerning these issues or require additional information, I can be reached at 212-335-8016.

Respectfully submitted,



REBECCA MEIKLEJOHN

Trial Attorney

Antitrust Division

cc: Michael McGovern (by email)  
Jeffrey Rutherford (by email)  
Daniel Zelenko (by email)  
Joshua Goldberg (by email)